

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BOBBIE JEAN CARPENTER

PLAINTIFF

VS.

CIVIL ACTION NO. 4:04CV56-M-B

ELAINE RUTH REINHARD, M.D.

DEFENDANT

CONSOLIDATED WITH

BOBBIE JEAN CARPENTER

PLAINTIFF

VS.

CIVIL ACTION NO. 4:04CV319-P-B

ELAINE RUTH REINHARD, M.D., et al.

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION TO STRIKE

BEFORE THE COURT are plaintiff's motion to strike defendants' expert designation and defendants' response thereto. Plaintiff seeks an order striking defendants' expert on the grounds that defendants failed to timely and completely designate its expert, Dr. Frederick B. Carlton, Jr. Defendants respond that they served their designation in accordance with the Court's amended scheduling order and timely supplemented interrogatory responses detailing Dr. Carlton's qualifications and opinions, among other things. Additionally, defendants state that as of the date of their response to the instant motion they have served complete disclosures for Dr. Carlton pursuant to FED.R.Civ.P. 26(a)(2).

The Court finds defendant failed to timely serve the complete expert disclosures required by Rule 26(a)(2). However, inasmuch as plaintiff has failed to object to the disclosures that have since been served by defendant and alleges no prejudice resulting from the late disclosure, the Court finds the requested remedy is unwarranted; and,

therefore, plaintiff's motion to strike is hereby **DENIED**.

IT IS FURTHER ORDERED that EmCare Physician Services, Inc. and EmCare, Inc.'s motion for leave to designate experts is not well taken, as defendants have had ample time to designate experts. Accordingly, corporate defendants' request for additional time to designate experts is hereby **DENIED**.

SO ORDERED this, the 23rd day of June 2005.

/s/ Eugene M. Bogen
UNITED STATES MAGISTRATE JUDGE